



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Ronald W. Fechter et al.)	Art Unit: 3679
)	
Application No.: 10/665,789)	Examiner: Victor L. Macarthur
)	
Filed: September 18, 2003)	
)	
For: ATTACHMENT DEVICE FOR A)	
LOAD-BEARING MEMBER)	
)	
Attorney Docket No.: 03-143)	
<hr/>		

Peoria, Illinois
February 23, 2006

Mail Stop **PETITION**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

I. INTRODUCTION

An Office action was issued on June 28, 2005 (“the Office action”). In response thereto, applicants submit the following.

II. ELECTION

A two part restriction requirement was stated in the Office action.

The first restriction requirement according to the Office action was between claims 1-10 (Group I), 11-18 (Group II), and 19-20 (Group III). In response to the first restriction, applicants elect Group III, the claims drawn to a work machine, without traverse. Applicants previously stated “applicants elect Group III without traverse” in the response submitted September 28, 2005, and this election repeats that same election.

The second restriction requirement according to the Office action was between species 1 (shown in FIG. 1), species 2 (shown in FIG. 2), and species 3 (shown in FIG. 2a).

In response to the second restriction, applicants elect species 1 without traverse. Claims 21-26 and 28 read on this species. Independent claims 21 and 28 are generic because they read on more than one species. Applicants previously stated "applicants elect species I as described in the Office action" in the response submitted on July 25, 2005, and this election repeats that same election.

Applicants made a *bona fide* attempt to fully reply to the restriction requirement in the response of September 28, 2005. The September 28th response contained only an election corresponding to the first restriction requirement, because applicants believed that the election required for the second restriction had already been made in the response submitted July 25, 2005. However, the September 28th response was held to be incomplete. In an informal telephone call with Examiner MacArthur in February, 2006, Examiner MacArthur stated that the reason for holding the September 28th response incomplete was that it did not repeat the prior election corresponding to the second restriction requirement, and therefore did not contain an election for each restriction requirement in a single document. The above text repeats the election for each of the first and second restriction requirements, in the same document, and is believed to be fully responsive.

III. CONCLUSION

Any fees required for this reply, or any other fees necessary during the prosecution of this application now, or in the future, for extensions of time or otherwise, may be charged to the undersigned's deposit account no. 03-1129.

Respectfully submitted,



Andrew J. Ririe
Patent Attorney, Caterpillar Inc.
Registration No. 45,597

Telephone: (309) 636-1974
Facsimile: (309) 675-1236